

STEVEN G. ZIEFF (SBN 84222)
DAVID A. LOWE (SBN 178811)
JOHN T. MULLAN (SBN 221149)
RUDY EXELROD ZIEFF & LOWE LLP
351 California Street, Suite 700
San Francisco, CA 94104
(415) 434-9800 (phone)/(415) 434-0513 (fax)
sgz@rezlaw.com
dal@rezlaw.com
jtm@rezlaw.com

ROBERT S. NELSON (SBN 220984)
NELSON LAW GROUP
900 Cherry Avenue, Suite 300
San Bruno, CA 94066
(650) 794-2760 (phone)/(650) 794-2761 (fax)
rnelson@nelsonlawgroup.net

Attorneys for Plaintiff
DANIELLE WARREN and all others similarly situated

JACK S. SHOLKOFF, CA Bar No. 145097
jack.sholkoff@ogletreedeakins.com
BETH A. GUNN, CA Bar No. 218889
beth.gunn@ogletreedeakins.com,
OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.
400 South Hope Street, Suite 1200
Los Angeles, CA 90071
Telephone: 213.239.9800
Facsimile: 213.239.9045

Attorneys for Defendant
PAYCHEX, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DANIELLE WARREN, and all others
similarly situated,

Plaintiff,

v.

PAYCHEX, INC.

Defendant.

Case No. C 10-02006 JCS

**STIPULATION AND [PROPOSED]
ORDER REGARDING CONTINUATION
OF MEDIATION, CASE MANAGEMENT
CONFERENCE AND CLASS
CERTIFICATION MOTION**

1 Plaintiff Danielle Warren (“Plaintiff”) and Defendant Paychex, Inc. (“Defendant”)
2 (collectively, “The Parties”), by and through their respective counsel of record, stipulate and
3 agree as follows:

4 1. During the initial case management conference in this matter on August 27, 2010,
5 after counsel for the Parties expressed a mutual willingness to go to private mediation, the Court
6 instructed the parties to select a mediator, schedule a mediation date and then file a notice
7 informing the Court of the selected mediator and mediation date within one (1) week. The Court
8 also set a deadline for Plaintiff to file her anticipated motion for class certification for March 4,
9 2011, and instructed the parties to agree to a briefing and hearing schedule following that
10 deadline.

11 2. Based on the proposed schedule for mediation discussed at the initial case
12 management conference, the Court scheduled a post-mediation case management conference for
13 December 10, 2010.

14 3. On August 31, 2010, Plaintiff propounded on Defendant multiple discovery
15 requests, including requests for production of documents, special interrogatories, and a
16 deposition notice for Defendant’s person(s) most knowledgeable regarding multiple subjects.

17 4. On September 3, 2010, the Parties jointly filed Notice of Selected Mediator and
18 Mediation Schedule to inform the Court that: (1) The Parties had agreed to use Michael
19 Dickstein as the mediator for this case; and (2) the Parties had scheduled a mediation for
20 November 10, 2010.

21 5. On September 16, 2010, Defendant propounded on Plaintiff multiple discovery
22 requests, including requests for production of documents, special interrogatories, and a
23 deposition notice for Plaintiff.

24 6. During the week of September 13, 2010, the Parties discussed streamlining the
25 discovery responses to be provided by both Parties in an attempt to identify the information and
26 documents most important for a productive mediation; in addition, the Parties discussed
27 scheduling depositions considered by the Parties to be essential to a productive mediation. As a
28 result of such conversations, the Parties determined that they both required additional time to

1 prepare for the mediation in this matter, and that a productive mediation would most likely occur
 2 only if the Court continued the mediation dates scheduled in this matter. They also agreed to
 3 limit their discovery and other litigation efforts only to that which is needed for a productive
 4 mediation.

5 7. On September 17, 2010, the Parties confirmed a new available date of January 12,
 6 2011 with their selected mediator, Michael Dickstein, and agreed to seek the Court's approval to
 7 continue the mediation date and post-mediation status conference date accordingly.

8 8. On September 17, 2010, counsel for Defendant confirmed with the Court's clerk
 9 that the Court could schedule a post-mediation case management conference on Friday, January
 10 21, 2011, at 1:30 pm.

11 9. The Parties hereby stipulate to continue: (1) the previously-scheduled mediation
 12 date to January 12, 2011; (2) the previously-scheduled case management conference to January
 13 21, 2011; and (3) the deadline for Plaintiff to file her motion for class certification to May 6,
 14 2011.

15 10. The parties stipulate to the following proposed briefing schedule for the
 16 certification motion: Plaintiff's motion (and all supporting documents) will be filed on or before
 17 May 6, 2011; Defendant's opposition (and all supporting documents) will be filed on or before
 18 June 17, 2011; Plaintiff's reply, if any, will be filed on or before July 8, 2011; and the motion
 19 will be heard on August 6, 2011 at 9:30 a.m. .

20
 21 IT IS SO STIPULATED.

22
 23 Dated: September 21, 2010

RUDY EXELROD ZIEFF & LOWE LLP

24
 25 By: /s/ Steven G. Zieff

Steven G. Zieff

26 David A. Lowe

27 John T. Mullan

1 Dated: September 21, 2010

NELSON LAW GROUP

2
3 By: /s/ Robert S. Nelson
Robert S. Nelson

4 Attorneys for Plaintiffs
5 DANIELLE WARREN and all others similarly
situated

6
7 Dated: September 21, 2010

OGLETREE, DEAKINS, NASH, SMOAK &
STEWART, P.C.

8
9 By: /s/ Jack S. Sholkoff
10 Jack S. Sholkoff
Beth A. Gunn
11 Attorneys for Defendant
PAYCHEX, INC.

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PURSUANT TO THE ABOVE-NOTED STIPULATION, THE COURT HEREBY ORDERS
THAT:

1. The previously-scheduled mediation date of November 10, 2010 is continued to
January 12, 2011; and

2. The previously-scheduled case management conference date of December 10,
2010 is continued to Friday, January 21, 2011 at 1:30 pm.;

3. The previously-scheduled deadline of March 4, 2011 for Plaintiff to file a motion
for class certification is continued to May 6, 2011; and

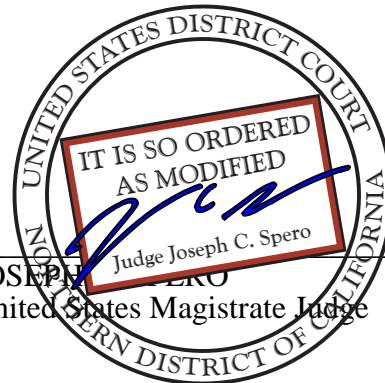
4. The briefing schedule for Plaintiff's certification motion is: Plaintiff's motion
(and all supporting documents) will be filed on or before May 6, 2011; Defendant's opposition to
the motion (and all supporting documents) will be filed on or before June 17, 2011; Plaintiff's
reply, if any, will be filed on or before July 8, 2011; ~~and the motion will be heard on August 6,~~
~~2010 at 9:30 a.m.~~
The Court will set a hearing date.

IT IS SO ORDERED.

Dated: 09/21, 2010

By:

JOSEPH C. SPERO
United States Magistrate Judge



GENERAL ORDER 45 ATTESTATION

I, Jack S. Sholkoff, am the ECF User whose ID and password are being used to file this STIPULATION AND [PROPOSED] ORDER REGARDING CONTINUATION OF MEDIATION, CASE MANAGEMENT CONFERENCE AND CLASS CERTIFICATION MOTION. In compliance with General Order 45, X.B., I hereby attest that Rob Nelson and Steven Zieff have concurred in this filing.

Dated: September 21, 2010

/s/ Jack S. Sholkoff
JACK S. SHOLKOFF

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